

REMARKS

Claims 16-24 are Allowable

The Office has rejected claims 16-24, at paragraph 2 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Pat. Pub. No. 2003/0028890 (“Swart”) in view of U.S. Patent No. 7,054,291 (“Balazinski”). Applicants respectfully traverse the rejections.

The cited portions of Swart and Balazinski do not disclose or suggest the specific combination of claim 16. For example, the cited portions of Swart do not disclose initiating formation of at least a portion of a point-to-point protocol communication link between a user device and the video content source, as in claim 16. In contrast to claim 16, the remote programming sources of Swart provide content to a content acquisition system for transmission to one or more aggregator systems, and can include remote microwave sources that may be distributed via point-to-point microwave networks. *See* Swart, Fig. 12, and paragraphs 0098, 0101. Further, the cited portions of Swart disclose that a communications path also exists from one or more remote content servers through the wide area network/Internet to the personal computer terminal. *See* Swart, paragraph 0047 (emphasis added). The cited portions of Swart do not disclose initiating a point-to-point protocol communication link between a user device and the video content source. Further, the cited portions of Balazinski do not disclose this element of claim 16. Instead, the cited portions of Balazinski disclose negotiating an abbreviated point-to-point negotiation between a first peer, such as a mobile station, and a second peer, such as a packet data service node. *See* Balazinski, Abstract (emphasis added). The cited portions of Balazinski do not disclose a point-to-point protocol communication link between a user device and a video content source.

In rejecting claim 16, the Office Action further cites U.S. Patent No. 7,149,224 (“Krishnamurthy”), and U.S. Patent No. 6,160,808 (“Maurya”). *See* Final Office Action, page 3. The cited portions of Krishnamurthy do not disclose initiating formation of at least a portion of a point-to-point protocol communication link between a user device and a video content source, as in claim 16. Instead, the cited portions of Krishnamurthy disclose optimizing point-to-point protocol (PPP) negotiations during a data communication session between two peer network elements in a network. *See* Krishnamurthy, Abstract, and col. 1, line 12 – col. 2, line 48.

Further, the cited portions of Maurya do not disclose initiating formation of at least a portion of a point-to-point protocol communication link between a user device and a video content source. Instead, the cited portions of Maurya disclose a communications technique permitting incoming multi-link point-to-point protocol (PPP) packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. *See* Maurya, Abstract, and col. 1, lines 19-64.

Therefore, Swart and Balazinski, in view of Krishnamurthy, and further in view of Maurya, separately or in combination, fail to disclose or suggest at least one element of claim 16. Hence, claim 16 is allowable. Claims 17-23 and 25-26 depend from claim 16. Hence, Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, fail to disclose at least one element of each of claims 17-23 and 25-26. Accordingly, claims 17-23 and 25-26 are allowable, at least by virtue of their dependence from claim 16.

Further, the dependent claims recite additional features that are not disclosed by the cited references. For example, the cited portions of Swart and Balazinski do not disclose communicatively coupling the user device and the video content source with at least one point-to-point protocol over Ethernet link and at least one point-to-point protocol over asynchronous transfer mode link, as in claim 19. Instead, the remote programming sources of Swart provide content to a content acquisition system for transmission to one or more aggregator systems, and can include remote microwave sources that may be distributed via point-to-point microwave networks. *See* Swart, Fig. 12, and paragraphs 0098, 0101 (emphasis added). Further, the cited portions of Swart disclose that a communications path also exists from one or more remote content servers through the wide area network/Internet to the personal computer terminal. *See* Swart, paragraph 0047 (emphasis added). The cited portions of Swart do not disclose communicatively coupling the user device and the video content source with at least one point-to-point protocol over Ethernet link and at least one point-to-point protocol over asynchronous transfer mode link. Further, the cited portions of Balazinski do not disclose this element of claim 19. Instead, the cited portions of Balazinski disclose negotiating an abbreviated point-to-point negotiation between a first peer, such as a mobile station, and a second peer, such as a packet data service node. *See* Balazinski, Abstract (emphasis added). Balazinski does not disclose a point-to-point protocol communication link between a user device and a video content source.

Additionally, the cited portions of Krishnamurthy and Maurya do not disclose this element of claim 19. For this additional reason, claim 19 is allowable.

Further, the cited portions of Swart and Balazinski, separately or in combination, do not disclose that the output stream comprises a variable bit rate stream, the method further including converting the variable bit rate stream into a constant bit rate stream, as in claim 21. Instead, the cited portions of Swart disclose acquiring content requested by a user, and packaging and delivering the requested content to the user. *See* Swart, Abstract, and paragraph 0043. The cited portions of Swart do not disclose converting a variable bit rate stream into a constant bit rate stream. Further, the cited portions of Balazinski do not disclose this element of claim 21. Additionally, the cited portions of Krishnamurthy and Maurya do not disclose this element of claim 21. For at least this reason, claim 21 is allowable.

The cited portions of Swart and Balazinski do not disclose or suggest the specific combination of claim 24. For example, the cited portions of Swart do not disclose a computer-readable medium having computer-executable instructions to initiate formation of at least a portion of a point-to-point communication link between a user device and a video content source, as in claim 24. Instead, Swart discloses acquiring content requested by a user, packaging and delivering the requested content to the user via a wide area network/Internet connection. *See* Swart, Abstract, and paragraph 0043 (emphasis added). In further contrast to claim 24, the remote programming sources of Swart provide content to a content acquisition system for transmission to one or more aggregator systems, and can include remote microwave sources that may be distributed via point-to-point microwave networks. *See* Swart, Fig. 12 and paragraphs 0098, 0101 (emphasis added). Further, the cited portions of Swart disclose that a communications path also exists from one or more remote content servers through the wide area network/Internet to the personal computer terminal. *See* Swart, paragraph 0047 (emphasis added). Swart does not disclose initiating formation of a point-to-point communication link between a user device and a video content source. Additionally, Balazinski does not disclose this element of claim 24. Instead, Balazinski discloses negotiating an abbreviated point-to-point negotiation between a mobile station and a packet data service node. *See* Balazinski, Abstract. Balazinski also does not disclose initiating formation of a point-to-point communication link between a user device and a video content source.

In the rejection of claim 24, the Office Action further cites Krishnamurthy and Maurya. *See* Office Action, page 3. The cited portions of Krishnamurthy fail to disclose a computer-readable medium having computer-executable instructions to initiate formation of at least a portion of a point-to-point communication link between a user device and a video content source, as in claim 24. Instead, the cited portions of Krishnamurthy disclose optimizing point-to-point protocol (PPP) negotiations during a data communication session between two peer network elements in a network. *See* Krishnamurthy, col. 1, line 12 – col. 2, line 48. The cited portions of Maurya do not disclose initiating formation of a point-to-point protocol communication link between a user device and a video content source. Instead, the cited portions of Maurya disclose a communications technique permitting incoming multi-link PPP packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. *See* Maurya, col. 1, lines 19-64.

Therefore, Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, fail to disclose or suggest at least one element of claim 24. Hence, claim 24 is allowable.

The cited portions of Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, fail to disclose or suggest the specific combination of claim 40. For example, Swart does not disclose initiating formation of at least a portion of a point-to-point protocol communication link between a user device and a video content source, as in claim 40. Instead, Swart discloses acquiring content requested by a user, packaging and delivering the requested content from the aggregator to the user via Internet service provider. *See* Swart, Abstract, and paragraphs 0043 and 0047 (emphasis added). The remote programming sources of Swart provide content to a consolidation system and can include remote microwave sources that may be distributed via point-to-point microwave networks. *See* Swart, paragraphs 0098 and 0101 (emphasis added). In further contrast to claim 40, the cited portions of Swart disclose that a communications path also exists from one or more remote content servers through the wide area network/Internet to the personal computer terminal. *See* Swart, paragraph 0047 (emphasis added). Swart does not disclose initiating formation of a point-to-point protocol communication link between a user device and a video content source. Further, Balazinski does not disclose this element of claim 40. Instead, Balazinski discloses negotiating an abbreviated point-to-point negotiation between a mobile station and a packet data service node. *See* Balazinski, Abstract.

Balazinski does not disclose initiating formation of a point-to-point protocol communication link between a user device and a video content source.

Krishnamurthy does not disclose initiating formation of a point-to-point protocol communication link between a user device and a video content source, as in claim 40. Instead, Krishnamurthy discloses optimizing PPP negotiations during a data communication session between two peer network elements in a network. *See* Krishnamurthy, Abstract, and col. 1, line 12 – col. 2, line 48. Maurya does not disclose initiating formation of a point-to-point protocol communication link between a user device and a video content source, as in claim 40. Instead, Maurya discloses a communications technique permitting incoming multi-link PPP packets of a common PPP frame to be simultaneously transmitted across more than one outgoing link in a multi-link bundle. *See* Maurya, col. 1, lines 19-64. Therefore, Swart, Balazinski, Krishnamurthy and Maurya, separately or in combination, fail to disclose or suggest each and every element of claim 40. Hence, claim 40 is allowable.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

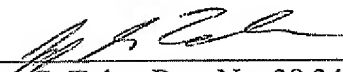
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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